

George A. McCoy; OSB No. 101256
mccoy@warrenallen.com
10535 NE Glisan Street, Suite 200
Portland, OR 97220
(503) 255-8795
Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF OREGON
PORTLAND DIVISION

TINA HUYNH,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE, an
Independent Agency of the United States of
America, and JUSTIN LOW,

Defendants.

Case No. 3:22-cv-00097

**COMPLAINT FOR PERSONAL INJURY
ACTION**

REQUEST FOR JURY TRIAL

NATURE OF THE ACTION

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq. to hold Defendant United States Postal Service accountable for negligence, carelessness, and recklessness in the ownership and operation of a certain motor vehicle that struck a vehicle operated by Plaintiff Tina Huynh at Cornell Road and Aloclek Drive in Hillsboro, Washington County, Oregon on or about January 6, 2019. This collision resulted in personal injuries and damages to Plaintiff Tina Huynh.

PARTIES

2. At all material times, Plaintiff Tina Huynh was a resident of Washington County, Oregon.

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3. At all material times, Defendant United States Postal Service was and still is a United States Federal Agency and business entity duly organized, formed and existing under the laws of the United States of America, and an independent establishment of the executive branch of the Government of the United States as a quasi-government agency.

4. At all times hereinafter mentioned, Defendant Justin Low, was an employee of Defendant United States Postal Service and the driver of a vehicle in the subject accident.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1346(b), which provides that the United States District Courts have exclusive jurisdiction of civil actions on claims against federal agencies.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to Plaintiff's claims occurred, in part, in this District, and because Defendants conducted regular business in this District.

CLAIM FOR RELIEF

(Negligence)

7. On or about January 6, 2019, Plaintiff Tina Huynh was the driver of a vehicle and was stopped at a stoplight at the intersection of Cornell Road and Aloclek Drive in Hillsboro, Oregon.

8. Suddenly and without warning, Plaintiff's vehicle was rear-ended from behind by a truck driven by Defendant Justin Low. Defendant Low's truck bore the insignia of Defendant United States Postal Service.

9. Defendant Justin Low was driving the truck in the course and scope of his employment with Defendant United States Postal Service.

10. Defendant United States Postal Service (hereinafter "Defendant USPS") has vicarious liability for Defendant Justin Low's actions.

11. Defendant Justin Low and Defendant USPS were negligent in the following

1 particulars, each of which created a foreseeable and unreasonable risk of injury to Plaintiff:

- 2 a. Failure to keep a proper lookout;
- 3 b. Failure to exercise due care;
- 4 c. Failure to obey a traffic control device;
- 5 d. Failure to keep his vehicle under proper control; and
- 6 e. Failure to follow at a reasonable distance.

7 12. The Defendants' negligence was a substantial factor in causing the collision and
8 Plaintiff's injuries. As a result of the Defendants' negligence, Plaintiff suffered the following
9 injuries:

- 10 a. Sprain of cervical spine;
- 11 b. Sprain of thoracic spine;
- 12 c. Sprain of lumbar spine and pelvis;
- 13 d. Sprain of sacroiliac joint;
- 14 e. Sprain of left shoulder joint;
- 15 f. Cervicalgia; and
- 16 g. Right shoulder sprain.

17 13. As a further result of the Defendants' negligence, Plaintiff has incurred medical and
18 related expenses in the approximate amount of \$13,705.82, the exact amount to be proven at trial.

19 14. As a further result of the Defendants' negligence, Plaintiff's vehicle sustained
20 damage as a result of the collision.

21 15. As a further result of the Defendants' negligence, Plaintiff suffered pain,
22 discomfort, and a loss of range of motion. Plaintiff has suffered approximately \$55,000 in non-
23 economic damages.

24 **CONDITIONS PRECEDENT**

25 16. On or about December 23, 2020, Plaintiff served upon Defendant United States
26 Postal Service a sworn Claim for Damage, Injury or Death (Standard Form 95) pursuant to the

provisions of the Federal Tort Claims Act, containing all the information required by statute.

17. More than six (6) months have passed from the date of service of said Claim for Damage, Injury or Death, and Defendant USPS has failed to adjudicate and/or make any decision regarding accepting or denying the claim.

WHEREFORE, Plaintiff prays for relief from the Court as follows:

1. Award Plaintiff economic and noneconomic damages against Defendants in amounts to be determined at trial in accordance with the allegations and claims set forth above;
2. Award Plaintiff attorney fees and litigation expenses/costs against Defendants in accordance with the allegations and claims set forth above;
3. Grant such other relief as may be just and proper.

PLAINTIFF DEMANDS A JURY TRIAL.

DATED this 19th day of January, 2022.

WARREN ALLEN LLP

By: s/ George A. McCoy
GEORGE A. McCOY, OSB No. 101256
E: mccoy@warrenallen.com
10535 NE Glisan Street, Suite 200
Portland, OR 97220
(503) 255-8795
Of Attorneys for Plaintiff